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Attorney for Defendant

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

UNITED STATES OF AMERICA,  
CALIFORNIA,  
  
Plaintiff,  
vs.  
  
TOMAS CHAVEZ DIAZ,  
  
Defendant.

NO.: CR 10-00751 LHK

**STIPULATION RE: CONTINUANCE  
AND EXCLUDABLE TIME UNDER  
18 U.S.C. §3161 AND ORDER**

Date: April 13, 2011  
Time: 10:00 a.m.  
Hon. Lucy H. Koh

Tomas Chavez Diaz, through his undersigned counsel, and the United States, through its counsel, Thomas A. Colthurst, hereby agree as follows:

The parties jointly request that this matter be continued from April 13, 2011 to April 20, 2011, at 10:00 a.m., or the Court's next available and convenient date thereafter for Status Hearing.

In the past weeks, counsel have discussed plea possibilities and discovery issues. It is felt by all parties that the additional time requested will serve the interests of judicial economy.

Mr. Chavez Diaz does not object to a finding that time be excluded between April 13, 2011 to, and including the date requested above. Thus, the parties respectfully request that the Court exclude time as above by making a finding that the failure to grant the instant continuance

1 would result in a miscarriage of justice pursuant to 18 U.S.C. §3161(h)(8)(B)(I).

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4 Dated: April 11, 2011

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6 JAMES PHILLIP VAUGHNS  
Attorney for Defendant  
TOMAS CHAVEZ DIAZ  
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9 Dated: April 11, 2011

10 THOMAS A. COLTHURST  
Assistant U.S. Attorney  
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**ORDER**

Based on the foregoing, the Court hereby finds that the interests of justice will be served by continuing this matter.

Based on this finding, IT IS HEREBY ORDERED that this matter is continued until April 20, 2011, at 10:00 a.m. for Status Hearing. Time is excluded, for the reasons noted by the parties and set forth above, between April 13, 2011 to, and including, April 20, 2011, pursuant to 18 U.S.C. §3161(h)(8)(B)(I).

DATED: April 12, 2011

  
Hon. LUCY H. KOH  
United States District Judge